U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

FILED
2008 MAY 23 PM 1:13
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

PLAINTIFF: NEHEMIAH ROBINSON	COURT CASE NUMBER: 08-CV-161-H-BLM
DEFENDANT: T. CATLETT, et al.,	TYPE OF PROCESS: SUMMONS AND COMPLAINT

SERVE → NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
V. O'SHAUGHNESSY, APPEAL EXAMINER

AT ADDRESS (*Street or RFD, Apartment No., City, State and ZIP Code*)
1515 S STREET, SUITE 502, SACRAMENTO, CA. 95814

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

NEHEMIAH ROBINSON J-71342
CALIPATRIA STATE PRISON (A-5-148)
P.O. BOX 5004
CALIPATRIA, CA. 92233-5004

Number of process to be served with this Form - 285	1
Number of parties to be served in this case	16
Check for service on U.S.A.	✓

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service*):

THE NAMED DEFENDANT IS / WAS THE APPEAL EXAMINER, REVIEWED THE MATTER FOR THE DIRECTOR / SECRETARY OF CDCR AND IS AVAILABLE FOR SERVICE POSSIBLY AT THE ABOVE ADDRESS. REVIEWED APPEAL LOG NO. CAL-07-01247.

RECEIVED 2008 APR 9

Signature of Attorney or other Originator requesting service on behalf of:	☒ PLAINTIFF ☐ DEFENDANT	TELEPHONE NUMBER	DATE
Mr. Nehemiah Robinson			3-20-08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (*Sign only first USM 285 if more than one USM 285 is submitted*)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	1	No. 98	No. 98	A Scott	4/10/08

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (*See remarks below*)

Name and title of individual served (*if not shown above*)	☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (*complete only if different than shown above*)	Date of Service / Time am pm
	Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (*including endeavors*)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund

REMARKS:
04/11/08-Mailed summons and complaint
04/21/08-Recd notification that dft has new address. Re-sent out
05/22/08- Received waiver of service of summons. copy to court and plaintiff.

PRIOR EDITIONS MAY BE USED | **1. CLERK OF THE COURT** | **FORM USM-285 (Rev. 12/15/80)**

Waiver of Service of Summons

RECEIVED
U.S. MARSHAL
SOUTHERN DISTRICT OF
CALIFORNIA

2008 MAY 22 P 2: 25

To: United States Marshal

I acknowledge receipt of your request that I waive service of summons in the action of Nehemiah Robinson, which is case number 08CV161 in the United States District Court of the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after April 11, 2008, or within 90 days after that date if the request was sent outside the United States.

Date: May 20, 2008

Signature [signature]

Defendant hereby waives personal service of this Complaint pursuant to Rule 4(d) of the Federal Rules of Civil Procedure

Printed/Typed Name: SYLVIE P. SNYDER
[as Deputy Attorney General]
[of the Office of the Attorney General]

Attorneys for V. O' Shaughnessy, Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the costs of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A Defendant who waives service must within the time specified on the waiver form serve on the Plaintiff's attorney (or unrepresented Plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that Defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.